



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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#19

Mitchell R. Swartz ScD, MD, EE
16 Pembroke Road
Weston, MA 02493

MAILED

MAY 20 2003

Office of the Director
Group 3600

In re application of :
Mitchell R. Swartz :
Application No. 09/586,426 :
Filed: December 26, 2000 :
For: METHOD TO CONTROL REACTIONS :
INVOLVING ISOTOPIC FUEL WITHIN A :
MATERIAL USING ORTHOGONAL :
ELECTRIC-FIELDS :

DECISION ON PETITION
UNDER 37 CFR 1.181

This is a decision on the petition under 37 CFR 1.181, filed March 24, 2003, received in the Office on March 28, 2003, presumably for the review of the examiners Office action mailed on February 3, 2003. There is no fee for this petition.

The petition is **DISMISSED**.

Applicant makes reference to a Declaration of Dr. Mitchell Swartz dated March 24, 2003. However, a review of the file fails to reveal any such declaration. The only paper dated March 24, 2003, by applicant is a 112 page document entitled "Applicant's Response To The Office Communication of 2/3/03".

Applicant alleges that the examiner has failed to respond to applicant's submitted evidence, etc. and has failed to follow a uniform standard of review. However, applicant has not pointed out any specific error or argument that the examiner has failed to address.

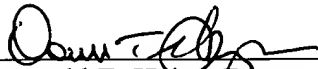
Applicant further alleges that there remains "standing orders" to address Declarations from the patent (applications) from which this is divisional. In response, it is unclear to which standing Orders applicant refers. Assuming applicant is referring to the numerous Remands from the Board of Patent Appeals and Interferences (Board) in applicant's parent application 07/760,970, these are not standing Orders or related to any matter that must be addressed in this application. A Remand is merely a procedure the Board utilizes when an issue arises, such as a newly filed paper that was not before the examiner, that needs to be addressed by the examiner. The Board will not decide a case if there are outstanding Remands. Also, given that the Board decided the appeal in the parent application, there are no outstanding Remands. In any event, prosecution is limited to the instant application and does not carry over from separately filed previous patent applications.

Applicant contests the new matter rejection. Since the matter is appealable, it cannot be decided in a petition decision.


In that applicant has not pointed out any specific errors that may be addressed by petition, this petition is Dismissed.

Any questions or comments with respect to this decision should be forwarded to Michael J. Carone in writing.

This application will be forwarded to central files for Technology Center 3600 to await a response from applicant.



Donald T. Hajec, Director
Technology Center 3600
(703) 306-4598 (facsimile)


DTH:mc:5/20/03